



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,410	07/05/2001	James O. Farmer	08286.105003	3294

7590 07/19/2004

Steven P. Wigmore, Esq.
KING & SPALDING
45th Floor
191 Peachtree Street, N.E.
Atlanta, GA 30303

EXAMINER

BELLO, AGUSTIN

ART UNIT	PAPER NUMBER
2633	

2633

DATE MAILED: 07/19/2004

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/899,410	Applicant(s) FARMER ET AL.	
Examiner Agustin Bello	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 53-67 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 53-62 is/are allowed.
- 6) Claim(s) 63-67 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22 23.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDevitt in the article "Switched vs. Broadcast Video For Fiber-To-The-Home Systems" in view of Magnum in the article "Fiber To The Home Experience In Southern Bell."

Regarding claim 63, McDevitt teaches a method for communicating optical signals from a data service provider to at least one subscriber comprising: sending downstream optical data signals on a first optical waveguide from a data service hub (e.g. from Central Office to Remote Terminal in Figure 3); sending downstream optical RF modulated television broadcast signals on a second waveguide from the data service hub (e.g. from Central Office to Remote Terminal via Fiber trunks and Video I/O device in Figure 3); converting the downstream optical data signals into electrical data signals (inherent within Add-Drop Multiplexer, OC-1 SONET equipment in Figure 3); routing the electrical data signals to predetermined optical transmitters (e.g. via Fiber Line Shelf to E/O transmitters in Figure 3); converting the electrical data signals back into optical data signals with each optical transmitter (via convert E/O of the Fiber Line Shelf); coupling an optical splitter (e.g. via Broadband Line Shelf) to a plurality of diplexers (e.g. WDM combining video and data in remote terminal of Figure 3); dividing downstream optical RF modulated television broadcast signals from the second optical waveguide with a splitter (e.g.

Art Unit: 2633

via Broadband Line Shelf) among the plurality of diplexers (e.g. WDM combining video and data in remote terminal of Figure 3); combining the downstream optical RF modulated television broadcast signals from the second optical waveguide with downstream optical data signals from each optical transmitter with a respective diplexer (e.g. WDM combining video and data in remote terminal of Figure 3); propagating the combined optical signals over an optical waveguide (e.g. output from WDM in remote node of Figure 3); and receiving the combined optical signals (at ONU in Figure 3) and dividing them (via WDM in the ONU of Figure 3). McDevitt differs from the claimed invention in that McDevitt fails to specifically teach that the optical waveguides are extended and coupled to a plurality of subscriber optical interfaces. However, Magnum in the same field of fiber communication, teaches it is well known in the art in the art to extended and coupled optical waveguides to a plurality of subscriber optical interfaces from a remote node (see Figure 2). One skilled in the art would have been motivated to extended and coupled optical waveguides to a plurality of subscriber optical interfaces from a remote node in order to increase the information capacity available to each subscriber. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to extended and coupled optical waveguides to a plurality of subscriber optical interfaces from a remote node as taught by Magnum in the system of McDevitt.

Regarding claim 64, the combination of references and Magnum in particular teaches receiving the combined optical signals with a subscriber optical interface (e.g. ONI in Figure 2) and converting the combined optical signals into downstream electrical data (to Computer in Figure 2 of Magnum) and downstream electrical RF modulated television broadcast signals (to television set in Figure 2 of Magnum).

Art Unit: 2633

Regarding claim 65, the combination of references teaches separating the downstream optical data signals from the downstream optical RF modulated television broadcast signals; and converting the optical signals into an electrical domain (as seen in the ONU in Figure 3 of McDevitt).

Regarding claim 66, the combination of references teaches providing one of video, telephone, and internet services via the optical signals (e.g. narrowband and wideband in McDevitt).

Regarding claim 67, the combination of references teaches the step of routing further comprises using a time division multiplex protocol to divide the downstream signals between preassigned optical transmitters (e.g. SONET, DS in Figure 3 of McDevitt).

Allowable Subject Matter

3. Claims 53-62 are allowed.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2633


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (703)308-1393. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Agustin Bello
Examiner
Art Unit 2633


JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

AB